

TOWN OF SOUTHAMPTON

Department of Land Management
Zoning Board of Appeals
116 HAMPTON ROAD
SOUTHAMPTON, NY 11968

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PRELIMINARY AGENDA – NOT OFFICIAL

SOUTHAMPTON TOWN ZONING BOARD OF APPEALS PUBLIC HEARING AGENDA May 21, 2020

The Zoning Board of Appeals meeting is being held via videoconference. Applications are scheduled to begin at 6:00 p.m., or shortly thereafter. Applications may not be heard in the order as they appear on this agenda. Current agendas may be viewed on the internet at the following address: www.southamptontownny.gov

- CALL TO ORDER
- PLEDGE OF ALLEGIANCE
- APPROVAL OF MINUTES

Please note: Applications highlighted in GRAY have requested an adjournment or have requested to withdraw the application

MINOR VARIANCE REVIEW

SCTM - HAMLET

None scheduled for this meeting

NEW APPLICATIONS

SCTM – HAMLET

1. **Moonlite, LLC** (app# 2000039) Michael 900-133-1-12.2 Water Mill
191 Montauk Highway
Applicant requests relief from the following provisions of the Town Code: 1. For the proposed two-story dwelling on a non- conforming lot: §330-11 (residential districts table of dimensional regulations) for a principal total side yard setback of 57 feet where 65 feet is required; and 2. To permit the conversion of the existing one-story dwelling into a carriage house (§330-9 (density incentive provisions): (i) §330-9D(4)(a) to allow a carriage house to be located in an CR-60 Zoning District on a lot comprised of 69,717 square feet where a minimum of 90,000 square feet is required; (ii) §330-9D(4)(b) to allow the principal dwelling to have a total side yard setback of 57 feet where 65 feet is required; (iii) §330-9D(4)(c) to allow the carriage house to have a front yard setback of 61.2 feet where the front yard setback shall be at least 10 feet greater than the principal dwelling setback; (iv) §330-9D(4) to waive the development right, or in the alternative, to allow a pine barren credit transfer from outside of the school district; (v) §330-9(D)(4)(h) to allow three access driveways to remain on a parcel where access to the principal dwelling and carriage house shall be limited to one driveway; and (vi) §330-9(D)(4)(e) to allow the height of the carriage house to be 31 feet where a maximum of 24 feet is permitted and any other relief necessary.

NEW APPLICATIONS

SCTM – HAMLET

2. **BH680, LLC** (app# 2000040) Helene 900-67-1-6.5 Water Mill
680 Scuttle Hole Road
Applicant requests relief from Town Code §330-11 (residential districts table of dimensional regulations) to allow Lot 2 of a proposed two-lot subdivision to have a lot area of 43,382 square feet where a minimum of 80,000 square feet is required. In addition, pursuant to Town Code 330-167J (specific types of variances), applicant seeks a special use permit to allow a historically significant single-family dwelling to remain on proposed Lot 2 and any other relief necessary.

3. **Peter Walsh and Suzanne Walsh** (app# 2000041)
122 Strong's Lane Cornelius 900-81-3-11 Water Mill
Applicant requests relief from the following provisions of the Town Code: 1. For the main dwelling on a nonconforming lot: §330-11 (residential districts table of dimensional regulations) for a principal front yard setback of 77.6 feet where 80 feet is required; 2. For a proposed addition to the main dwelling: §330-11 for a principal front yard setback of 76.5 feet where 80 feet is required; and 3. To legalize a shed constructed without the benefit of a building permit: (i) §330-11 for an accessory front yard setback of 13.6 feet where 90 feet is required and (ii) §330-76D (placement of accessory buildings, structures and uses in all districts) and §330-83C (yards) and any other relief necessary.

4. **Brian Parente** (app# 2000042) Jason 900-232-3-46 Shinnecock Hills
28 Knoll Road
Applicant requests relief from Town Code §330-84D (pyramid height) for an encroachment in the amount of 272 cubic feet for a proposed two-story dwelling and any other relief necessary.

5. **Loreta Columbo** (app# 2000024) 900-28-2-18 North Sea
18 Bay View Road
Applicant requests a determination as to whether or not the proposed accessory building (Cabana) is a subordinate or incidental building pursuant to Town Code §330-5 (definitions) because of its size in proportion to the main dwelling and its use. In addition, applicant requests relief from the following provisions of the Town Code: 1. For the proposed accessory building (cabana): (i) §330-11 (residential districts table of dimensional regulations) for an accessory distance from street (front yard) setback of 15 feet where 50 feet is required from the easterly lot line (Mullen Hill Lane), (ii) §330-84D (pyramid height) for an encroachment in the amount of 120 cubic feet and (iii) §330-76D (placement of accessory buildings, structures and uses in all districts) and §330-83C (yards) to allow the cabana to be located within the required front yard for the principal building; and 2. For the proposed swimming pool: (i) §330-11 (residential districts table of dimensional regulations) for an accessory distance from street (front yard) setback of 15.8 feet where 50 feet is required from the easterly lot line (Mullen Hill Lane), and (ii) §330-76D (placement of accessory buildings, structures and uses in all districts) and §330-83C (yards) to allow the swimming pool to be located within the required front yard for the principal building and any other relief necessary.

6. **94 Dune Road Holding Corp.** (app# 2000010) 900-385-1-37.3 East Quogue
94 Dune Road Adam
Applicant requests relief from Town Code §330-117 (change) as it relates to Town Code §330-167B(3) (specific types of variances) to permit a change from one nonconforming use to another, to wit, from a One story frame building with 2nd floor office, restaurant/bar, marina with tennis courts, decks and parking to a twenty-five (25) unit multi-family condominium use with a swimming pool and accessory building (cabana) and any other relief necessary.

NEW - ADJOURNERD APPLICATIONS (from the 02.20.20 (mtg. cancelled), 03.19.20 (mtg. cancelled), 04.02.20 (mtg. cancelled) and the 05.07.20 meetings:

SCTM – HAMLET

7. **2331 Montauk, LLC** (app# 2000012) Keith 900-86-1-6 Bridgehampton
2331 Montauk Highway
Applicant request relief from the following provisions of the Town Code for a proposed two-story office building: (i) §330-34 (business districts table of dimensional regulations) for a principal minimum side yard setback of 4 feet where 15 feet is required and a principal total side yard setback of 19 feet where 30 feet is required; and (ii) §330-30(B)(4) (General Regulations) as it relates to §330-162.18(A)(1) (Hamlet Office/Residential and Hamlet Commercial/Residential Building Size) to allow a proposed 5,587 square foot office building to contain one (1) 600 square foot apartment where three (3) apartments are required and any other relief necessary.

SEQRA RESOLUTION – Lead Agency

Motion by: _____

Seconded by: _____

All in Favor: _____

Opposed: _____

8. **Emma Carrera-Cruz & Luis Idrovo Urgiles** Michael 900-268-3-2 Hampton Bays
3 Woodridge Road (app# 200017)
Applicant requests relief from Town Code §330-11 (residential districts table of dimensional regulations) for a principal front yard setback of 35.1 feet where 40 feet is required for a proposed covered porch addition to an existing dwelling on a nonconforming lot. In addition, applicant requests the following relief from the provisions of Town Code §330-11.2F (accessory apartment special standards) to legalize an accessory apartment constructed in the basement of the dwelling without the benefit of a building permit: (i) relief to allow the accessory apartment to remain on a lot that is less than 30,000 square feet, (ii) lot area from 16,000 square feet to 10,667 square feet (80% of the required 20,000 square feet), and (iii) a principal rear yard setback of 37 feet +/- where 42 feet is required (70% of the required 60 feet) and any other relief necessary.
9. **Edward Czaplinski** (app# 2000015) Keith 900-254-1-43 Hampton Bays
46 Sherwood Road
Applicant requests relief from the following provisions of the Town Code to legalize an accessory apartment constructed within the basement of a dwelling on a nonconforming lot without the benefit of a building permit: (i) §330-11.2F (accessory apartment special standards) to allow an accessory apartment to be located on a parcel that has a lot area of less than 30,000 square feet and (ii) §330-11.2G(1) to allow the size of the accessory apartment to be 40% of the total floor area of the principal dwelling where a maximum of 35% is permitted and any other relief necessary.
10. **Beach House Associates, LLC** (app# 2000016) 900-15-2-44 Noyac
19 Wickatuck Drive Adam
Applicant requests a determination that the subject parcel SCTM# 900-15-2-44 is held in single and separate ownership from all adjacent parcels and thus entitled to relief pursuant to §330-115D and any other relief necessary.

READVERTISED APPLICATIONS

SCTM – HAMLET

None scheduled for this meeting

SCOPING SESSION

SCTM – HAMLET

None scheduled for this meeting

HOLDOVER APPLICATIONS

Held over from the 10/18/18 meeting; Re-Opened 3/21/19 and adjourned to 5/2/19; Held over from the 5/2/19 meeting; adjourned from the 8/1/19, 9/5/19 and the 11/7/19 meeting; adjourned from the 5/7/20 meeting:

11. **KTB Flying Point Revocable Trust** (appl. 1800127)
500 Flying Point Road Keith 900-160-1-26 Water Mill
Applicant requests relief from the following provisions of the Town Code for a proposed carriage house on a lot where a single family dwelling and apartment exist: (i) §330-167B(1)(a) and §330-167B(1)(d) (specific types of variances) for the expansion of a nonconforming use; (ii) §330-9D(4) (density incentive provisions) to allow a carriage house to constructed on a lot where two dwelling are existing; (iii) §330-9D(4) for a waiver of one or more development right or PBC; (ii) §330-9D(4)(c) to allow a rear yard setback of 24 feet where 50 feet is required; (iii) §330-9D(4)(e) (height) to allow the proposed carriage house to be 26 feet 3 3/8 inches where a maximum of 24 feet is permitted and any other relief necessary.

Held over from the 08/16/18 meeting; adjourned from the 10/4/18 meeting; held over from 11/15/18 meeting; adjourned from the 1/3/19, 4/4/19, 5/2/19, 7/18/19, 09/05/19, 10/17/19 and the 11/21/19 meeting; adjourned from the 02.20.20 (mtg. cancelled) and the 04.16.20 (mtg. cancelled) meetings; adjourned from the 05.07.20 meeting:

12. **295 Montauk Highway, Inc.** (app# 1800094) 900-231-1-31 Hampton Bays
295 East Montauk Highway Keith
Applicant requests relief from the following provisions of the Town Code: (i) Town Code §330-83G(1)(a) (yards) to allow a parking area 3 feet from the rear yard where 17 feet is existing on a nonconforming lot; (ii) Town Code §330-78 (placement of accessory buildings and uses in nonresidential districts) to allow parking spaces #1-12 to be located 3 feet from the rear property line (north) where 10 feet is required; 0 feet from the side (northwesterly) property line where 10 feet is required; and 2.5 feet from the easterly property line; (iii) Town Code §330-78 to allow parking space #28 to be located 3 feet from the side (westerly) property line where 10 feet is required; (iv) Town Code §330-100(F)(1)(exemptions and waivers of parking and truck loading space requirements) to allow a parking area (subject to Planning Board approval) to be located on the subject premises and the adjoining site to the west; and (v) Town Code §330-34 (business districts table of dimensional regulations) to allow a dumpster and dumpster pad to be located at 0 feet, straddling the lot line with the parcel to the west, where accessory structures are to be located on the subject property and any other relief necessary.

HOLDOVER APPLICATIONS (continued)

SCTM-HAMLET

Held over from the 08/16/18 meeting; adjourned from the 10/4/18 meeting; held over from 11/15/18 meeting; adjourned from the 1/3/19, 4/4/19, 5/2/19, 7/18/19, 09/05/19, 10/17/19 and the 11/21/19 meeting; adjourned from the 02.20.20 (mtg. cancelled) and the 04.16.20 (mtg. cancelled) meetings; adjourned from the 05.07.20 meeting;

13. **JTEN Holdings, LLC** (app# 1800093) Keith 900-231-1-32 Hampton Bays
293 East Montauk Highway
Applicant requests relief from the following provisions of the Town Code: (i) Town Code §330-83G(1)(a) (yards) to allow a parking area 3 feet from the rear yard and allow the pre-existing motel parking to remain 3 feet from the side yard where a 50 foot transition yard is required; (ii) Town Code §330-78 (placement of accessory buildings and uses in nonresidential districts) to allow the parking area to be located 3 feet from the northerly property line where 10 feet is required; 0 feet from the northeasterly property line (where parking spaces cross into Edgewater parking lot) where 10 feet is required; and 3 feet from the westerly property line where 10 feet is required; (iii) Town Code §330-100F(1) (exemptions and waivers of parking and truck loading space requirements) to allow parking area to be located on adjoining sites as required for parking spaces #20 (and Edgewater #1); and (iv) Town Code §330-34 (business districts table of dimensional regulations) to allow a dumpster and dumpster pad to be located at 0 feet, straddling the lot line with the Edgewater property, where accessory structures are to be located on the subject property. Applicant also requests relief from the following provisions of the Town Code to allow the conversion of an existing two story motel into housing for restaurant employees: (i) Town Code §330-76C (placement of accessory buildings, structures and uses in all districts) to allow an accessory building, structure, or use, on an adjacent lot to allow proposed restaurant employee housing for the principal restaurant on site and Edgewater restaurant; (ii) Town Code §330-154B (Housing for restaurant employees) to allow the proposed employee housing to be located on the site of the restaurant detached from the principal building; (iii) Town Code §330-154C to allow an existing side yard setback of 39.3 feet on the west and 15 feet on the east where a minimum setback of 50 feet is required; (iv) Town Code §330-154D to allow kitchen or cooking facilities within the proposed employee housing; and (v) Town Code §330-154G to allow four two-bedroom motel units to be used as employee housing for four employees on a nonconforming lot and any other relief necessary.

Held over from the 08/16/18 meeting; adjourned from the 10/4/18 meeting; held over from 11/15/18 meeting; adjourned from the 1/3/19, 4/4/19, 5/2/19, 7/18/19, 09/05/19, 10/17/19 and the 11/21/19 meeting; adjourned from the 02.20.20 (mtg. cancelled) and the 04.16.20 (mtg. cancelled) meetings; adjourned from the 05/07/20 meeting;

14. **JTEN Properties, LLC** (app# 1800095) Keith 900-231-1-30.1 Hampton Bays
5 South Valley Road
Applicant requests relief from the following provisions of the Town Code: (i) Town Code §330-83G(1)(a) (yards) to allow a parking area 21.3 feet (spaces #20-22) from the northerly property line and 3.2 feet from the northwest corner property line where a 50 foot transition yard is required; (ii) Town Code §330-83G(2)(a) to allow a front transitional yard of 19.5 feet where 20 feet is required granted by the ZBA (this looks like 20 on the survey); (iii) Town Code §330-100F(1) and Town Code 330-78 (placement of accessory buildings and uses in nonresidential districts) to allow 10 (spaces #35-44) parking spaces from the adjacent property to the west to be located 0 feet from the side (westerly) property line where 10 feet is required; (iv) Town Code §330-167A to allow the extension of the Motel Zoning District line 47.95 feet into the more restrictive Residential-40 Zoning District to allow the premises to be zoned Motel; (v) Town Code §330-154D to allow kitchen or cooking facilities within the proposed employee housing; and (vi) Town Code §330-154G to allow two units for employee housing for two employees on a nonconforming lot and any other relief necessary.

HOLDOVER APPLICATIONS (continued)

SCTM – HAMLET

Held over from the 10/5/17 meeting; adjourned from the 11/16/17, 01/18/18, 3/1/18, 4/5/18, 7/19/18, 08/16/18, 10/4/18, 12/6/18, 1/17/19, 3/21/18, 7/18/19, 10/3/19, 12/5/19, 02/20/20 (mtg. cancelled), and the 3/5/20 meeting:

15. **Michael Esposito & Louis Esposito** (app# 1700111) 900-143-2-48 Flanders
730 Flanders Road Brian
Applicant requests relief from Town Code §330-117 (Change) as it relates to Town Code §330-167B(3) (Specific types of variances) to legalize a change from one nonconforming use to another nonconforming use without the benefit of a building permit, to wit, from a restaurant and lounge to a Take-Out Restaurant (delicatessen/market) and any other relief necessary.

16. **Thomas R. Stachecki Living Trust (Dixon, Dreyer & Lennox – applicants)** (app# 1900137)
1205 Majors Path Brian 900-78-1-20.1 North Sea
Thomas R. Stachecki Living Trust (Michael K. Marion & Bobbie Lynn Grund – applicants)
(app# 1900158)
1205 Majors Path Brian 900-78-1-20.1 North Sea
Upon consent, the attorneys for all parties agreed to a written submission deadline of April 27, 2020, in the Matter of Stachecki Living Trust (application numbers 1900137 and 1900158). The Board accepted the written submissions, closed the record at its May 7, 2020, meeting, and set the matters for decisions on June 4, 2020. By letter dated May 5, 2020, Alex Kriegsman, Esq., requested that this comment period be extended to address new information submitted by David Gilmartin, Esq. on April 27, 2020.

DECISIONS

DATE CLOSED

SCTM – HAMLET

Katherine and Brian Turza	Michael	3/5/20	900-340-1-37	East Quogue
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